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EXAMINER	
PARTHASARATHY, PRAMILA	
ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/544,493	**Applicant(s)** JANES, SHERMAN
	Examiner Pramila Parthasarathy	**Art Unit** 2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 29 July 2004.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14, 16 -24 and 26-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14, 16-24 and 26-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to request for reconsideration filed on July 29, 2004. Original application contained Claims 1 – 11 and 13 – 24 and 26 –28. Applicant has amended Claims19 – 24, 26 and 27. Claims 12 and 25 were canceled. Therefore, presently pending claims are 1 – 11, 13 – 24 and 26 – 28.

Response to Arguments

2. Applicant's arguments filed on July 29, 2004, have been fully considered but they are not persuasive for the following reasons:

Regarding independent claims 1 and 27, and independent amended claim 19, applicant argued that the cited prior arts (CPA) [Baser U.S. Patent Number 6,170,016 and Mashayekhi U.S. Patent Number 5,818,936] even when taken together, do not teach, "receiving data from a network application program interface (API)" and "determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data". These arguments are not found persuasive. CPA-Baser clearly teaches a method receiving a first message (data), and examines if address field contain IP address (the data is eligible) (CPA - Baser Summary and Column 35 line 22 – 59). Applicant argues that "the data" referenced in claim refers to a diagram supplied by a network application program interface. Examiner points out that the Claims read "the data" and not as "datagram" and also, CPA-discloses datagram supplied by a network application program interface (Column 22 line 46 – Column 23 line 15).

Regarding independent claims 6, 14 and 28, applicant argued that the cited prior arts (CPA) [Baser U.S. Patent Number 6,170,016 and Mashayekhi U.S. Patent Number 5,818,936] even when taken together, do not teach, "receiving data from a network protocol layer" and does not represents a security operation eligibility requirement. These arguments are not found persuasive. CPA-Baser clearly teaches a method receiving a first message (data), and examines if address field contain IP address (the data is eligible) (CPA - Baser Summary and Column 35 line 22 – 59).

Applicant has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that CPA does teach or suggest the subject matter broadly recited in independent claims 1, 6, 14, 19, 27 and 28. Dependent claims 2 – 5, 7 – 11, 13, 15 – 18, 20 – 24 and 26 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action. Accordingly, rejections for claims 1 – 11, 13 – 24 and 26 - 28 are respectfully maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 11, 13 – 24, and 26 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baser (U.S. No. 6,170,061) in view of Mashayekhi (U.S. Patent No. 5,818,936).

As per Claims 1, 14, 19, Baser discloses that

receiving data from a network application program interface (API) (Col.35 Lines 23 – 25);

determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data (Col.22 Lines 50 – 52);

creating a selector based on the selector data, wherein said selector indicates at least a portion of the data and a security association (Col.3 Lines 22 – 29);

sending the data to which the security operation has been applied to a network protocol layer (Col.28 Lines 32 – 33).

Baser does not disclose that applying the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data. However, Mashayekhi discloses applying the security operation to the data (Col.3 Lines 37 – 39). Therefore, it would have been obvious to a person of ordinary skill in the art to implement the claimed invention by applying the security operation using the security association as taught by Mashayekhi. Such modifications would have been obvious because by combining the teachings of Baser and Mashayekhi, the data can be more secure.

As per Claims 2, 15, 21, Baser does not disclose that

using said selector to search a database of security associations for at least one selector/security association pair identifying a security association corresponding to the selector. However, Mashayekhi discloses using selector to search a database of security associations (Col.7 Lines 54 – 57).

As per Claims 3, 16, Baser discloses that

the selector data is based [[on]] at least in part on one of an internet protocol address taken from the data and a port indicator taken from the data (Fig.6 #130).

As per Claims 4, 17, Baser discloses that

attaching a header to the data, said header including a security operation tag (Col.3 Line 50);

performing an integrity check (Col.4 Lines 1 – 3);

Baser does not disclose encrypting the data. However, Mashayekhi discloses key pair encrypts/decrypts (Col.6 Lines 57 - 59). Therefore, it would have been obvious to a person of ordinary skill in the art to implement the claimed invention by encrypting the data as taught by Mashayekhi. Such modifications would have been obvious because by combining the teachings of Baser and Mashayekhi, the data can be more secure.

As per Claims 5, 18, Baser does not disclose that

determining if the data is eligible for the security operation and applying the security operation if the data is eligible depends, at least in part_upon a local selector/security association pair at a sending client corresponding to a remote selector/security association pair at a receiving client, said local selector/security association pair and said remote selector/security association pair having been received from a key server. However, Mashayekhi discloses that a local selector/security association pair at a sending client corresponding to a remote selector/security association pair having been received from a key server (Col.7 Lines 54 – 56 and Fig. 4A & 4B).

As per Claim 6, Baser discloses that

receiving data from a network protocol layer (Col.35 Lines 23 – 25);

determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data (Col.22 Lines 50 – 52);

creating a selector based on the selector data, said selector indicating at least a portion of the data and a security association (Col.3 Lines 22 – 29);

sending the data to which the security operation has been applied_to a network application program interface (API) (Col.28 Lines 32 – 33).

Baser does not disclose that applying the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data. However, Mashayekhi discloses applying the security operation to the data (Col.3 Lines 37 – 39). Therefore, it would have been obvious to a person of ordinary skill in the art to implement the claimed invention by applying the security operation using the security association as taught by Mashayekhi. Such modifications would have been obvious because by combining the teachings of Baser and Mashayekhi, the data can be more secure.

As per Claim 7, Baser discloses that

detecting a security operation tag in a header to the data(Col.3 Line 50 and Col.9 Lines 30 – 32);

performing an integrity check (Col.4 Lines 1 – 3).

As per Claim 8, Baser does not disclose that

using said selector to search a database of security associations for at least one selector/security association pair identifying a security association corresponding to the selector. However, Mashayekhi discloses using selector to search a database of security associations (Col.7 Lines 54 – 57).

As per Claims 9, 22, Baser does not discloses that

blocking the data from being sent to the network API if no security association corresponding to the selector is found. However, Mashayekhi discloses blocking the data from being sent to the network API if no security association corresponding to the selector is found (Col.7 Lines 52 – 67).

As per Claim 10, 23, Baser does not discloses that

determining that the data is not eligible for the security operation if a selector that references a database of security associations cannot be created based on the data. However, Mashayekhi discloses determining that the data is not eligible for the security operation if a selector that references a database of security associations cannot be created based on the data (Col.7 Lines 52 – 67).

As per Claim 11, 24, Baser does not discloses that

blocking the data from being send to the network API if the data includes selector data but no selector can be created from it. However, Mashayekhi

discloses determining that the data is

blocked from being send to the network API if the data includes selector data but no selector can be created from it (Col.7 Lines 52 – 67).

As per Claims 13, and 26 Baser does not disclose

applying encryption to the data; However, Mashayekhi discloses

key pair encrypts/decrypts (Col.6 Lines 57 - 59). Therefore, it would have been obvious to a person of ordinary skill in the art to implement the claimed invention by encrypting the data as taught by Mashayekhi. Such modifications would have been obvious because by combining the teachings of Baser and Mashayekhi, the data can be more secure.

Baser discloses that removing special packaging from the data (Col.9 Lines 30 – 31); Baser does not disclose applying decryption to the data. However, Mashayekhi discloses (Col.7 Lines 43 – 45);

performing an integrity check on the data (Col.4 Lines 1 – 3).

As per Claim 20, Baser discloses that

detecting a security operation tag in a header to the data(Col.3 Line 50 and Col.9 Lines 30 – 32);

detecting failure of an integrity check (Col.4 Lines 1 – 3).

As per Claim 27, Baser discloses that

receiving data from a network application program interface (API) (Col.35 Lines 23 – 25);

determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data (Col.22 Lines 50 – 52);

create a selector based on the selector data, wherein said selector indicates at least a portion of the data and a security association (Col.3 Lines 22 – 29);

send the data to which the security operation has been applied to a network protocol layer (Col.28 Lines 32 – 33).

Baser does not disclose that applying the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data. However, Mashayekhi discloses applying the security operation to the data (Col.3 Lines 37 – 39). Therefore, it would have been obvious to a person of ordinary skill in the art to implement the claimed invention by applying the security operation using the security association as taught by Mashayekhi. Such modifications would have been obvious because by combining the teachings of Baser and Mashayekhi, the data can be more secure.

As per Claim 28, Baser discloses that a processing unit to:

receive data from a network protocol layer (Col.35 Lines 23 – 25);

[[to]] determine if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data (Col.22 Lines 50 – 52);

create a selector based on the selector data, said selector indicating at least a portion of the data and a security association (Col.3 Lines 22 – 29);

Baser does not disclose that applying the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data. However, Mashayekhi discloses applying the security operation to the data (Col.3 Lines 37 – 39). Therefore, it would have been obvious to a person of ordinary skill in the art to implement the claimed invention by applying the security operation using the security association as taught by Mashayekhi. Such modifications would have been obvious because by combining the teachings of Baser and Mashayekhi, the data can be more secure.

[[to]] send the data to which the security operation has been applied to a network application program interface (API) (Col.28 Lines 32 – 33).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
November 16, 2004.

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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